DETAILED ACTION

Claims 1-13 are pending. Claims 1-13 were rejected under 35 U.S.C. 112 and 102. Based on the Applicant's amendments, the 35 U.S.C. 101 and the 112 paragraph six rejections are withdrawn. However, the remaining 112 rejection is not withdrawn and the remaining 35 U.S.C. 102 and 103 rejections are also not withdrawn. A final rejection on the merits is issued.

Response to Applicant's Remarks and Amendments

The Applicant has amended the claims to attempt to clarify the claims to overcome the contradiction between the claims representing data content and at the same time the claims not including the actual data. However, the challenge still exists. The claim states:

> "said at least one token further **being a representation in** tangible form of corresponding data content stored in the data store, wherein the at least one token themselves are employed as tangible physical representations that do not include the corresponding data content which is stored remotely from the at least one token in the data store."

Since the claim states that the token is a representation of the data content stored in the data store, this is being interpreted as the token has the data content; and further since the claim then states that the token does not include the corresponding

data content, this is contradicts the previous element in the claim. In the Applicant's remarks, the Applicant indicates that there are two pieces of information – the data content and user supplied information. Based on the Applicant's remarks, it could be that the Applicant is attempting to state that the token has one type of data (user supplied information) which is different from the data content.

At this time the claims are still in contradiction and are interpreted in the best light possible.

Response to Applicant's Previous Remarks and Amendments

Applicant assert that the Clark reference does not disclose a "user readable visible indication of data content representing data content in the data store....wherein the computing means....performs user selectable operations in response to said at least one token being spatially presented to the token interfacing means....(i) to read from said at least one token...." Applicant further asserts that Clark does not teach part (ii) of claim 1 which teaches a token being a user readable physical feedback representation in tangible form.

According to the Applicant, Clark teaches an interactive optical disk for recording permanently stored and user supplied information. Thus, according to the Applicant, Clark does not teach user readable visible information and details that are optically readable and further does not teach that the token does not include the data but that such data is stored remotely from the token in the data store.

As discussed, the independent claims are still not definite and the best interpretation is that an optical disk (the token) has data content which teaches the elements of the Applicant's claimed invention.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 12 and 13 continue to be indefinite for reciting a token that has data content representing data content in the data store; and then reciting at the end of the claim that the token does not include data content. The Applicant has amended the claims, but the claim amendments do not resolve the issue. The Applicant asserts that the token includes 1) details and 2) identification of the data content. If the token includes details and identification of the data content, then based on the Applicant's own interpretation, the token includes the data content since data is details and identification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark (US Pat. No. 5,175,720)

Regarding claim 1:

Clark teaches an electronic system for providing visible user physical feedback via at least one data token, comprising:

(a) computing means; *(see col. 4, lines 5-15 teaching a computer system)*

(b) a data store coupled to said computing means for at least one of (i) inputting data content to and (ii) outputting data content from the data store; *(see col. 4 lines 5-15 teaching computer system)* and

(c) token interfacing means coupled to said computing means for interfacing to said at least one data token detachable from the token interfacing means of the system, said at least one token for providing a user readable, visible representation of data content that is stored in the data store *(see col. 2 lines 50-65 teaching a disk that is the token that includes data content)*

wherein the computing means of the system performs user-selectable operations in response to said at least one token being spatially presented to the token interfacing means of the system, the user-selectable operations including at least one of delete,

read, write, and rearrange corresponding data content to/from the data store associated with said at least one token (i) to read from said at least one token, using the token interfacing means, details of said data content to identify said data content in the data store and/or (ii) to record on said at least one token, using the token interfacing means, one or more details of said user-selectable operations so that said one or more details include user-readable visible information and details that are optically readable via a user from said at least one token wherein in response to being user-inspected *(see at least col. 2 lines 50-65, col. 3 lines 1-15, col. 4 lines 5-20 teaching recording and rearranging data such as permanent and temporary recordings)*

said at least one token further being a representation in tangible form of corresponding data content stored in the data store, wherein the at least one token themselves are employed as tangible physical representations that do not include the corresponding data content which is stored remotely from the at least one token in the data store. *(see col. 2 lines 60-65 and abstract teaching a tangible product - disk)*

Further, Clark teaches optical technology *(see at least col. 1 lines 10-20 teaching optical technology)*

Regarding claim 2:

Clark teaches a system according to claim 1, wherein the token interfacing means is subdivided into spatial sub-regions, each sub-region being associated with a specific type of corresponding user-selectable operation on the data content represented by said at least one token when in response to being presented in spatial proximity of said

corresponding sub-region. *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaching different sub-regions)*

Regarding claim 3:

Clark teaches a system according to claim 1, wherein the token interfacing means is arranged to be capable of handling a pack comprising a plurality of said at least one token and performing said user-selectable operation on at least one token in the pack. *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaching a disk that can be used)*

Regarding claim 5:

Clark teaches a system according to claim 1, wherein said at least one token is provided with:

(a) a first region susceptible to being user-marked with user optically-readable information; *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaches user areas)* and

(b) a second region susceptible to presenting information optically, said second region being arranged to be written to from the token interfacing means of the system for providing a user optically-readable indication of data content associated with said token. *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaches system areas)*

Regarding claim 6:

Clark teaches a system according to claim 1, wherein the computing means of the system interrogates, via the token interfacing means, said at least one token when in response to a corresponding at least one token being spatially presented to the token

interfacing means of the system, for indicating to the system~ user-preferred data content to be subject to said user-selectable operation. *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaching system areas)*

Regarding claim 7:

Clark teaches a system according to claim 6, wherein the computing means of the system interrogates, via the token interfacing means, said at least one token is by at least one of: radio interrogation, optical interrogation, contact electrical interrogation, and magnetically-coupled electrical interrogation. *(see at least col. 1 lines 1-15)*

Regarding claim 8:

Clark teaches a system according to claim 6, wherein said at least one token is provided with a unique identification code for use in enabling the computing means of the system, via the token interfacing means, to identify said at least one token and thereby data content associated with said at least one token. *(see col. 5 lines 7-15)*

Regarding claim 11:

Clark teaches a plastic substrate *(see at least col. 3 lines 35-45)*

Regarding claim 12:

Clark teaches an electronic system for providing visible user physical feedback via at least one data token, comprising:

(a) computing means; *(see col. 4, lines 5-15 teaching a computer system)*

(b) a data store coupled to said computing means for at least one of (i) inputting data content to and (ii) outputting data content from the data store; *(see col. 4 lines 5-15*

teaching computer system) and

(c) token interfacing means coupled to said computing means for interfacing to said at least one data token detachable from the token interfacing means of the system, said at least one token for providing a user readable, visible indication of data content representing data content in the data store *(see col. 2 lines 50-65 teaching a disk that is the token that includes data content)*

wherein the computing means of the system performs user-selectable operations in response to said at least one token being spatially presented to the token interfacing means of the system, the user-selectable operations including at least one of delete, read, write, and rearrange corresponding data content to/from the data store associated with said at least one token (i) to read from said at least one token, using the token interfacing means, details of said data content to identify said data content in the data store and/or (ii) to record on said at least one token, using the token interfacing means, one or more details of said user-selectable operations so that said one or more details include user-readable visible information and details that are optically readable via a user from said at least one token wherein in response to being user-inspected *(see at least col. 2 lines 50-65, col. 3 lines 1-15, col. 4 lines 5-20 teaching recording and rearranging data such as permanent and temporary recordings)*

said at least one token further being a representation in tangible form of corresponding data content stored in the data store, wherein the at least one token themselves are employed as tangible physical representations that do not include the corresponding

data content which is stored remotely from the at least one token in the data store. *(see col. 2 lines 60-65 and abstract teaching a tangible product - disk)*

Further, Clark teaches optical technology *(see at least col. 1 lines 10-20 teaching optical technology)*

5. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Clark (US Pat. No. 5,175,720)

Regarding claim 13:

Clark teaches a method for providing visible user physical feedback via at least one data token, comprising:

a) providing the system with computing means, a data store coupled to said computing means for at least one of (i) inputting data content to and (ii) outputting data content from the data store, and token interfacing means coupled to said computing means for interfacing to at least one data token detachable from the token interfacing means of the system, said at least one token for providing an intuitive a user-readable, visible indication of data content representing data content in the data store; and *(see col. 2 lines 50-65 teaching a disk that is the token that includes data content and see col. 4 lines 5-15 teaching computer system)*

(b) performing a user-selectable operation in response to said at least one token being spatially presented to the token interfacing means of the system, the user- selectable operation including at least one of deleting, reading, writing, and rearranging corresponding data content to/from the data store associated with said at least one token, arranging for the system (i) to read from said at least one token, using the token

interfacing means, details of said data content to identify said data content in the data store and/or (ii) to record on said at least one token, using the token interfacing means, one or more details of said user-selectable operation so that said one or more details include user-readable visible information and details that are optically readable via the user from said at least one token in response to being user-inspected, said at least one token further being a representation in tangible form of corresponding data content stored in the data store, wherein the at least one token themselves are employed as tangible physical representations that do not include the corresponding data content which is stored remotely from the at least one token in the data store *(see at least col. 2 lines 50-65, col. 3 lines 1-15, col. 4 lines 5-20 teaching recording and rearranging data such as permanent and temporary recordings; see col. 2 lines 60-65 and abstract teaching a tangible product – disk, and see at least col. 1 lines 10-20 teaching optical technology)*

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Selinfreund (US Pat. Pub. No. 20050050343)

Regarding claim 4:

Selinfreund, not Clark, teaches a system according to Claim 1, wherein the computing means prevents said data content from being subject to at least a subset of said user selectable operations in response to a corresponding token being spatially remote from the token interfacing means. *(see paragraph 10 – prevents reading data, paragraph 5 – device has to have a specific signal for reading)*

It would have obvious to one of ordinary skill in the art to try to implement security measures as to prevent data from being read if it is not being read by a specified device.

Regarding claim 9:

Selinfreund, not Clark, teaches a system according to Claim 1, wherein said at least one token is provided with at least one corresponding region which is susceptible to being electronically programmed by the system to present visual information provided from the system, said visual information being related to data content associated with said at least one token. as opposed to bearing the actual data content. *(see at least Fig.1 teaching a visual display of the related data content)*

It would have been obvious to one of ordinary skill in the art to use a disk to display data that has visual information associated with it and is visible on a display.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Selinfreund and in further view of Pan (US Pat. No. 6,707,479).

Regarding claim 10:

Pan, not Clark, teaches a system according to Claim 9, wherein said at least one

region is provided with electrically-writable ink for use in providing user-readable visual information of data content associated with said at least one token. *(see at least abstract)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to use electrically writeable ink since this methods allows for identification of the token and the data associated with the token.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is (571)272-5506. The examiner works a flexible schedule and can normally be reached during the week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ABDUL BASIT/
Examiner, Art Unit 3694

/Elizabeth H Rosen/
Primary Examiner, Art Unit 3694